

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	MB Docket No. 14-82
)	
PATRICK SULLIVAN)	FRN 0003749041, 0006119796,
(Assignor))	0006149843, 0017196064
)	
and)	Facility ID No. 146162
)	
LAKE BROADCASTING, INC.)	File No. BALFT-20120523ABY
(Assignee))	
)	
Application for Consent to Assignment of)	
License of FM Translator Station W238CE,)	
Montgomery, Alabama)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S OPPOSITION TO LAKE'S
FURTHER REQUEST FOR AN EXTENSION OF TIME**

1. On August 13, 2017, Lake Broadcasting, Inc. (Lake) renewed its request for an extension of time to file both its Proposed Findings of Fact and Conclusions of Law and its Reply Findings of Fact and Conclusions of Law.¹ For the reasons set forth below, the Acting Chief, Enforcement Bureau (Bureau), through her attorneys, opposes this further request.

Background

2. On August 7, 2017, Lake filed its initial request for an extension of time to file its Proposed Findings of Fact and Conclusions of Law and its Reply Findings of Fact and Conclusions of Law.² Specifically, Lake requested that the Presiding Judge extend the deadline

¹ See Lake's Further Request for Extension of Time to File Findings and Reply Findings, filed Aug. 13, 2017 (Lake's Further Request).

² See Lake's Request For Extension of Time to File Findings and Reply Findings, filed Aug. 7, 2017.

for filing Proposed Findings of Fact and Conclusions of Law until September 15, 2017 and for Reply Findings of Fact and Conclusions of Law until October 16, 2017.³ In that request, Lake asserted that the additional time was warranted because the Presiding Judge had not yet ruled on Lake's pending motion in *limine* to disqualify the Bureau's witness, Tamara Gremminger.⁴ This was the only basis upon which Lake requested relief.⁵

3. On August 10, 2017, the Presiding Judge granted in part and denied in part Lake's request for an extension of time.⁶ In *Order*, FCC 17M-27, the Presiding Judge ordered the parties to submit Proposed Findings of Fact and Conclusions of Law by September 1, 2017 and to submit Reply Findings of Fact and Conclusions of Law by September 29, 2017.⁷ The Presiding Judge recognized that "[i]t was incumbent on Lake to have substantially started preparing proposed findings such that Lake should not need the full additional time requested."⁸

4. Three days later, Lake filed a further request for an extension of time seeking the exact same deadlines as in its earlier request, this time asserting that because Lake's counsel is a solo practitioner, there is no one to work on Lake's Proposed Findings and Conclusions of Law while he is on a two-week safari between August 14 and August 27, 2017.⁹ Lake's counsel did not consult with the Bureau before filing this additional request.

Opposition

5. By *Order*, FCC 17M-25, the Presiding Judge directed the parties to confer and to propose dates for the submission of Proposed Findings of Fact and Conclusions of Law and

³ See *id.*

⁴ See *id.* at 1-2.

⁵ See *id.*

⁶ See *Order*, FCC 17M-27 (ALJ, rel. Aug. 10, 2017).

⁷ See *id.* at 2.

⁸ *Id.* at 1.

⁹ See Lake's Further Request at 2.

Reply Findings of Fact and Conclusions of Law.¹⁰ At that time, counsel for the Bureau learned that Lake's counsel had a pre-planned two-week safari at the end of August. In an effort to accommodate this safari trip and Bureau counsels' vacations, the parties jointly proposed August 11, 2017 and September 15, 2017, respectively. The Presiding Judge accepted the proposed dates and the Bureau directed its resources to preparing its Proposed Findings of Fact and Conclusions of Law for filing by August 11, 2017.

6. When counsel for Lake contacted the Bureau before filing its first request for an extension, the Bureau did not oppose Lake's request. However, the Presiding Judge has now ruled on Lake's request, granting Lake an additional three weeks to meet its filing obligations.¹¹ In addition, the only justifications Lake offers for its renewed request are things its counsel knew before it filed his original request for an extension – *i.e.*, his status as a sole practitioner and his pre-planned safari. Lake's tactic not to raise these issues before but to file a second extension request only after it did not get the relief it originally requested wastes the court's – and the Bureau's – time and resources.

7. For these reasons, the Bureau opposes Lake's further request for an extension.

¹⁰ See Order, FCC 17M-25 (ALJ, rel. June 8, 2017).

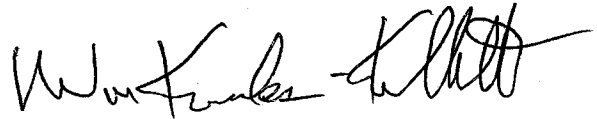
¹¹ See Order, FCC 17M-27 (ALJ, rel. Aug. 10, 2017).

Respectfully submitted,

Rosemary Harold
Acting Chief, Enforcement Bureau

A handwritten signature in black ink, appearing to read "Rosemary Harold".

Gary Oshinsky
Attorney
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

A handwritten signature in black ink, appearing to read "Gary Oshinsky".

William Knowles-Kellett
Attorney
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

August 15, 2017

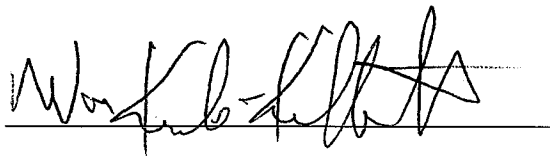
CERTIFICATE OF SERVICE

William Knowles-Kellett, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certifies that he has on this 15th day of August, 2017, sent by first class United States by email copies of the foregoing ENFORCEMENT BUREAU'S OPPOSITION TO LAKE'S FURTHER REQUEST FOR AN EXTENSION OF TIME to:

Jerold L. Jacobs, Esq.
Law Offices of Jerold L. Jacobs
1629 K Street, N.W., Suite 300
Washington, DC 20006
jerold.jacobs.esq@verizon.net
Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

And caused a copy of the foregoing to be served via hand-delivery to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, DC 20554

A handwritten signature in black ink, appearing to read 'William Knowles-Kellett', is written over a horizontal line.

William Knowles-Kellett